

Appl. No. 10/067,910

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**REMARKS/ARGUMENTS****Status of Claims**

Claims 1-3, 15 and 39 to 44 remain in the application.

**Amendments to the Claims**

Claim 44 has been amended to recite "wherein the plurality of basic functional components include one or more of a group consisting of at least one optical tap, at least one PIN detector, at least one erbium-doped fiber amplifier (EDFA), at least one dynamic gain flattened filter (DGFF), and at least one dispersion compensation module (DCM)".

Support for the amendment is found on page 14, line 13 to page 15, line 14.

**35 U.S.C 112 Claim Rejections**

The Examiner has rejected claim 44 under 35 U.S.C. 112 as being indefinite. The Examiner alleges the expression "basic functional components" is unclear. Applicant respectfully submits that the meaning of "basic functional components" has been further defined in amended claim 44 and the claim now particularly points out and distinctly claims the subject matter regarded as the invention.

**35 U.S.C 103 Claim Rejections**

The requirements for establishing a prima facie case of obviousness as set out in the MPEP Section 2143.01 require that the reference or references when combined teach all of the claimed limitations, that there be a reasonable expectation of success in realizing the claimed invention, and that there be a motivation to combine the references.

The Examiner has rejected claims 1-3, 15, 39-40, 42 and 44 under 35 U.S.C. 103(a) as being unpatentable over non-patent reference "Method for Crosstalk Measurement and Reductions in Dense WDM Systems", Journal of Lightwave Technology, Vol. 14, No. 6, June 1996 by K. Ho in view of non-patent reference "Estimation of the SRS Crosstalk on Pilot tones in WDM Systems using a Dither Transfer Matrix", S. Seynejad et al, OFC 2001, 17-22 March 2001.

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With respect to claim 1, the Examiner alleges that Figure 1 in the Ho reference teaches a cross-talk monitoring scheme which includes multiplexing of an optical signal comprising wavelength channels  $\lambda_1, \dots, \lambda_i, \dots, \lambda_N$  wherein each channel is impressed with a dither frequency  $f_i$ .

However, Ho discloses that the power of each channel and the power of the dither tones are detected after the multiplexed signal is demultiplexed by the matrix based demultiplexer.

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